

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 NEA-10 ISO-00 CAB-09 CIAE-00 COME-00

DODE-00 EB-11 INR-10 NSAE-00 RSC-01 FAA-00 DOTE-00

AF-10 ARA-16 EA-11 PM-07 H-03 NSC-10 PA-03 PRS-01

SPC-03 SS-15 USIA-15 ACDA-19 IO-13 SY-10 SCA-01

JUSE-00 OIC-04 DRC-01 /212 W
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P R 151356Z SEP 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC PRIORITY 0786

INFO AMEMBASSY BEIRUT

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY TEL AVIV

AMCONSUL MONTREAL

USUN NEW YORK 1713

UNCLAS ROME 9681

E.O. 11652 N/A

TAGS: ICAO, ETRN

SUBJ: ICAO AIR SECURITY CONFERENCE: FIFTEENTH REPORT OF
USDEL TO ASSEMBLY/CONFERENCE - SEPT. 14

MONTREAL FOR US REP ICAO

PLS PASS: LITTELL/CAB; DRISCOLL/DOT; STEWART/FAA

1. CONFERENCE COMMISSION OF WHILE SEPT. 14 RESUMED CON-
SIDERATION OF SOVIET PROPOSAL FOR PROTOCOLS TO HAGUE AND
MONTREAL CONVENTIONS. CHAIRMAN READ HIS POINT 2 AS REVISED:
QTE SHOULD THE NEW INSTRUMENT SERVE AS THE LEGAL BASIS
FOR EXTRADITION IN RESPECT OF OFFENCES PROVIDED FOR BY
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THE CONVENTIONS OF HAGUE AND MONTREAL AMONG CONTRACTING

STATES WHICH HAVE NOT CONCLUDED AN EXTRADITION TREATY
AMONG THEM? END QTE

AUSTRALIA ANNOUNCED IT HAD RECEIVED NEW INSTRUCTIONS
AND WOULD SUPPORT POINTS 1, 2 AND 3 INSTEAD OF ITS PREVIOUS
ABSTENTION. BARBADOS SAID BOTH HAGUE AND MONTREAL CONVENTIONS
NOW PROVIDE FOR EXTRADITION ON OPTIONAL BASIS; BOTH SOVIET AND
BULGARIAN PROPOSALS MAKE EXTRADITION MANDATORY AND WANTED INSERTION
OF WORD "AUTOMATIC" IN POINT 2. USSR POINTED OUT STATE STILL
HAS OPTION OF ADOPTING OR NOT ADOPTING PROTOCOLS. FRANCE FAVORED
POINT 2. AFTER SUGGESTIONS BY BARBADOS AND AUSTRALIA FOR RE-
WORDING COMMISSION VOTED 31(US)-14-38 IN FAVOR OF PROPOSALS AS
REWORDED BY NETHERLANDS:

QTE SHOULD THE NEW INSTRUMENT BETWEEN THE CONTRACTING STATES
REPLACE THE WORDS "MAY AT ITS OPTION" WHICH ARE TO BE FOUND
IN ARTICLE 8 OF THE HAGUE AND MONTREAL CONVENTIONS BY THE WORD
"SHALL"? END QTE

JAMAICA THEN POINTED OUT THAT BULGARIAN PROPOSAL, ACCEPTED BY
USSR, MADE POINT 3 UNNECESSARY.

2. NICARAGUA PRESENTED ITS PROPOSAL TO AMEND ARTICLE 8,
PARA 2 OF HAGUE AND MONTREAL TO MAKE THE OFFENDERS "COMMON
OFFENDERS" FOR ALL PURPOSES INCLUDING EXTRADITION. IT WAS
SUPPORTED BY GUATEMALA ALSO ITF AND IFALPA BUT REJECTED
10(US)-36-43 IN A ROLL-CALL VOTE REQUESTED BY ISRAEL. IN
EXPLANATION OF THEIR NEGATIVE VOTE KENYA AND TANZANIA SAID
HIJACKING BOTH COMMON AND POLITICAL OFFENSE. USSR ABSTAINED
TO AVOID TECHNICAL CONFUSION. ISRAEL EXPRESSED DISMAY AS DID IATA
AND ITF.

3. GREECE PRESENTED ITS PROPOSAL TO ADD NEW PARA (F) TO ART.1
OF MONTREAL CONVENTION TO COVER VIOLENCE AT AIRPORTS. RFG
AND AUSTRALIA WELCOMED PROPOSAL AND SUGGESTED DRAFTING CHANGES.
ZAIRE AND TURKEY CONSIDERED AMENDMENT VERY IMPORTANT BUT NECESSARY
TO RESTRICT ITS SCOPE. SWITZERLAND THOUGHT ELEMENT OF ENDANGERING
SAFETY OF INTERNATIONAL CIVIL AVIATION SHOULD BE DEFINITE CRITERION.
USSR SAID GREEK PROPOSAL ENTIRELY NEW PROVISION WHICH
DOES NOT COMPLY WITH SPIRIT OF MONTREAL BUT WITHIN FRAMEWORK
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MEWORK OF NEW CONVENTION BEING CONSIDERED BY UN. NETHERLANDS
SAID CONFERENCE TRYING TO REPEAT ICAO LEGAL DISCUSSIONS
AT LONDON IN 1970 AND MONTREAL IN 1971. CANADA LIKE NETHERLANDS
AGREED WITH PRINCIPLE BUT THOUGHT DRAFTING PROBLEM DIFFICULT.
AFTER SUGGESTION FOR DRAFTING CHANGE BY YUGOSLAVIA AND ATTEMPT
BY CHAIRMAN SCIOLLA LAGRANGE TO FORMULATE A PRINCIPLE, GREECE
REQUESTED ROLL-CALL VOTE ON FOLLOWING NEW SUBPARA (F) IN PARA
1, ART. 1 OF MONTREAL CONVENTION:

QTE PERFORMS AN ACT OF VIOLENCE AGAINST PERSONS WITHIN THE
PRECINCTS OF AN AIRPORT WHEN SUCH ACT IS DETRIMENTAL TO IN-
TERNATIONAL CIVIL AVIATION. END QTE

FAVORABLE VOTE WAS 37(UA)-20-31. ARGENTINA MOVED CLOSURE
OF DEBATE, AFTER GREECE WITHDREW ITS PROPOSAL FOR AMEND-
MENT OF ART. 4 OF MONTREAL. NETHERLANDS OPPOSED THIS
MOTION AND SAID IT WOULD HAVE TO VOTE AGAINST GREEK PROPOSAL
TO ADD SUBPARA (F) TO PARA 2 OF ART. 5 SINCE CAUTION NECESSARY
IN CREATING OFFENSES WHICH COME UNDER UNIVERSAL JURISDICTION.
FRANCE CONCURRED. ROLL-CALL VOTE REQUESTED BY NIGERIA WAS
27-21-39(US) ON THIS PART OF GREEK PROPOSAL.

4. AFTER EGYPT AND FRANCE ATTEMPTED HAVE QATAR'S QUESTION
(SEE ROME 9598) CONSIDERED FIRST, COMMISSION RESUMED CONSIDER-
ATION OF QUESTIONS OF PRINCIPLE REGARDING INDEPENDENT CONVEN-
TION LATTER PART OF WHICH HAD BEEN REFORMULATED BY ITS CHAIRMAN.
US SAID IT FAVORED PROCEEDING WITH VOTING ON CHAIRMAN'S QUESTIONS
AND REQUESTED ROLL-CALL VOTE. RESULTS AS FOLLOWS:

QTE 4. SHOULD THE OUTSIDE BODY REFERRED TO IN QUESTION 3(C);
QTE (A) INCLUDE A COMMISSION OF INDEPENDENT PERSONS WHICH
WOULD SUBMIT A REPORT TO AN ORGAN WITHIN THE FRAMEWORK
OF ICAO? END QUOTE (VOTE 30(US)-33-22)
153 (B) INCLUDE A CONFERENCE OF STATES AS PROVIDED IN
ARTICLE 5 OF CAS DOC. NO. 4? END QUOTE (VOTE 42(US)-14-30)

(QUESTION 5 MOTTTED SINCE IT DEALT WITH COMMISSION OF
INDEPENDENT PERSONS DESCRIBED IN QUESTION 4(A), ALTHOUGH ZAIRE
REQUESTED IT BE REPHRASED TO DEAL WITH CONFERENCE OF STATES.)

QTE 6. SHOULD THE MACHINERY ESTABLISHED UNDER THE NEW
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CONVENTION BE COMPETENT TO MAKE RECOMMENDATIONS TO:

QTE (A) A STATE PARTY TO THE NEW CONVENTION ALLEGED
TO BE IN DEFAULT? END QUOTE (VOTE 58(US)-8-18)
QTE (B) ANOTHER STATE PARTY TO THE NEW CONVENTION?
END QUOTE (VOTE 37(US)-33-16)
QTE (C) A STATE PARTY TO THE CHICAGO CONVENTION
ALLEGED TO BE IN DEFAULT? END QUOTE (VOTE 30(US)-40-13)
QTE (D) ANY OTHER STATE ALLEGED TO BE IN DEFAULT?
END QUOTE (VOTE 22(US)-47-12)

MUCH TIME CONSUMED BY FRANCE AND OTHERS IN DISCUSSION
MINOR CHANGES TO THESE QUESTIONS. US WITHDREW REQUEST
FOR ROLL-CALL VOTE EXCEPT ON 6(B) IN VIEW OF EXTREME
LATENESS OF HOUR. QATAR'S QUESTION TO BE REPHRASED AND DISCUS-
SED FOLLOWING MORNING. VOLPE

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